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MEMO ENDORSED

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January 12, 2022

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Hon. Lewis A. Kaplan  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, New York 10007

Re: Anthony Rapp and C.D. v. Kevin Spacey Fowler a/k/a Kevin Spacey  
Southern District of New York, Case No. 1:20-cv-09586 (LAK)

Dear Judge Kaplan:

As this Honorable Court is aware, we represent the plaintiff in the above-entitled matter. I am an attorney on the case who has taken all of the previous depositions of defendants' witnesses and intend to depose the defendant, whose deposition is scheduled for Friday, January 14, 2022. I write to request a brief adjournment of the deposition due to my present illness.

Unfortunately, over the last weekend, I developed a cough and cold symptoms. I was seen by an otolaryngologist on Monday, who suspected a Covid diagnosis and performed a PCR test. I received a negative result today, but my cough has continued to worsen. Presently, I cannot take a deep breathe without coughing. As a result, I have now been prescribed a course of antibiotics and a bronchial inhaler.

I spoke to defense counsel, first on Monday and again this morning, to apprise him on my situation. Counsel informed us this afternoon that they could not agree to the adjournment.

Under the circumstances, we respectfully request an adjournment of Mr. Spacey's deposition to a new date which works for the defendant and his counsel.

Thank you for your consideration of this issue.

Respectfully submitted,  
GAIR, GAIR, CONASON, RUBINOWITZ, BLOOM,  
HERSHENHORN, STEIGMAN & MACKAUF

*Richard Steigman*  
Richard M. Steigman

Enclosures

The motion is granted to this extent:

In the event Mr. Steigman has not recovered by 1/14/22 and is not then able to take the deposition, and in view of the absence of any claim that Mr. Saghier is unable to take the deposition as 1/17/22, the deposition shall take place on 1/17/22. It is otherwise denied.

SO ORDERED

*Lewis A. Kaplan*  
LEWIS A. KAPLAN, USDJ

1/13/22